

REMARKS / ARGUMENTS

Claims 1-3, 7-10, 12 and 13 are pending in this application. Claims 1-3, 9, 10, 12 and 13 stand rejected, and claims 7 and 8 have been allowed. In the present amendment, claims 1 and 10 have been canceled without prejudice, and new claims 14 and 15 have been added.

In the Office Action mailed January 9, 2006, the Examiner rejected claims 1-3, 7-10, 12 and 13 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,660,342 to Salisbury. Claims 7 and 8 have been allowed.

Applicant gratefully acknowledges the courtesies extended by the Examiner in a telephone interview on May 4, 2006. In the interview, the Examiner acknowledged that Salisbury '342 does not disclose a masonry anchor identical to the masonry anchor shown at reference numeral 31 in Figures 4-7 of the present application. However, the Examiner stated his belief that claim 1 in its present form reads on the masonry anchor disclosed in Figure 8 of Salisbury '342.

In an effort to more clearly state the invention being claimed, Applicant has canceled claim 1 without prejudice, and submits new independent claim 14. Claim 14 is patentably distinct from the masonry anchor of Salisbury '342 (Fig. 8). Salisbury '342 does not disclose a masonry anchor having a curved cross member with two arms extending substantially straight from proximal ends connected to the ends of the cross member to distal ends having connectors formed thereon, in which the arms are substantially parallel to each other and substantially perpendicular to the cross member.

The masonry anchor disclosed in Figure 8 of Salisbury '342 has a cross member (61, 62, 63), and two arms (67, 68) with connectors (69) at distal ends of the arms. However, the arms (67, 68) do not extend substantially straight from a proximal end (67) connected to the cross member (61, 62, 63) to a distal end (68) having the connector (69). Instead, each of the arms is angled at approximately ninety degrees, such that a segment of the arm (67) is perpendicular to the cross member (61, 62, 63) and another segment of the arm (68) is parallel to the cross member (61, 62, 63). As such, Salisbury '342 does not disclose each and every element of claim 14. Therefore, claim 14, and claims 2, 3, 9, 12, 13 and 15, which depend on claim 14, are allowable.

In addition, claim 12 is allowable, because Salisbury '342 does not disclose the connectors being coplanar with the arms and the cross member. Furthermore, new claim 15 is allowable for the same reason.

The above amendment places the application in condition for allowance, or alternatively, in better form for consideration on appeal. Therefore, Applicant respectfully requests that the amendment be entered, and that a timely Notice of Allowance be issued in this application. If the Examiner believes that additional issues remain for discussion, he is invited to contact the undersigned attorney.

Respectfully submitted,

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